

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 20277
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Kenichi TABATA, et al.	:	Confirmation Number: 1960
	:	
Application No.: 10/030,249	:	Group Art Unit: 3761
	:	
Filed: June 28, 2002	:	Examiner: Karin M. Reichle
	:	
For: DISPOSABLE ABSORBENT ARTICLE	:	

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In the Notice of Non-Compliant Amendment of April 9, 2009, the Examiner mentioned
as follows:

The proposed amendments to the claims of 7-18-08 still do not show all the deletions and additions made to the claims last acted on, i.e., existing as of 5-24-07. For example, compare line 15, and 19 of claim 26, lines 15, 38 and 45 of claim 32 and line 8 of claim 45 filed 7-18-08 to the text of such claims filed 5-24-07.

Applicants submit a Second Substitute Amendment to revise line 19 of claim 26, lines 15, 38, and 45 of claim 32, and line 8 of claim 45 in the Substitute Amendment filed July 18, 2008. However, there appears to be no error in line 15 of claim 26. Instead, Applicants have corrected an error in line 25 of claim 26 because the word “members” in the line should have been corrected to --member-- in the May 24, 2007 Amendment.

The Examiner indicated, “the marked up substitute specification still does not show all the addition and deletions made to the 5-24-07 entered substitute specification to arrive at the

specification filed 7-18-08, i.e. the revised specification appears to show the changes made to the specification as originally filed not that of 5-24-07” (paragraph 2 of the Notice).

In accordance with the Examiner’s comments “the revised specification appears to show the changes made to the specification as originally filed not that of 5-24-07,” Applicants understood that the Examiner required Applicants to show all the changes relative to the immediate prior version of the specification of record, i.e., the Substitute Specification filed May 24, 2007 (see 37 CFR 1.125(c)), and hence prepared a Substitute Specification (both marked-up version and clean version) to show changes only made to the Substitute Specification filed May 24, 2007.

The Examiner further stated, “the annotations made to the annotated Figures filed 2-[22]-08 are obscured by highlighting made thereto” (paragraph 2 of the Notice). In response, Applicants resubmit annotated Figs. 2B, 5, 12, 13, 18, 19, and 27.

Further, the Examiner stated, “Applicant is thereby requested to provide reference to the specific portion(s) of the originally filed application which provide support in a single embodiment for the combination of each claim commensurate in scope therewith especially in light of the extensive amendments which have been made to claims 26, 28, 32, 39 and 42-45 and the addition of new claims 49-61 as well as the jumbo specification and large number of species disclosed thereby” (emphasis in original) (paragraph 2 of the Notice).

Support for the amendments to the claims and the addition of the new claims are discussed in a Second Substitute Amendment concurrently filed with this response. It is noted that the amendments made to the specification and the drawings were to correct minor errors such as typographical errors and grammatical errors by, for example, rephrasing sentences in the original specification.

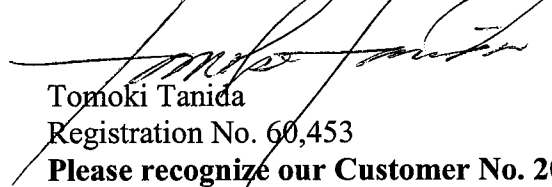
Application No.: 10/030,249

If there are any formality issues regarding the present application, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



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